

EX PARTE OR LATE FILED

per funke
skolmastaregat 2-4a
se-70220 Orebro Sweden

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

RECEIVED

NUV - 5 2003

02-230

Dear Commissioner Kevin J. Martin:

Federal Communications Commission
Office of the Secretary

In my opinion, actions that stop open source code construction and use is slowing down the amount of development per timeslice during the period of time humanity has got to make a life.

Generally speaking, I think the belief in the market economy has to be revised. There may be other market mechanisms speeding up the development of whatever facilities we need to survive. The individuals that won't take these matters into consideration are selfish and probably suffering from low morale. And yes, the opposite is also correct.

I resent standpoints which clearly promotes individual/organisational enrichment or refuse to take into consideration, what's best for the majority of living creatures. The broadcast flag is just another nail in the coffin in which we will bury our efficiency on the altar of "Oh God, make me richer".

Marketing force my ass, these guys are just plain stupid if they think that their personal goals are in line with what's best for the rest of the world. Now, I do know that they are not stupid. So the only thing left governing their actions is low morale.

Sorry I'm murdering the English language but what can I do...

Sincerely,

per funke

EX PARTE OR LATE FILED

Brian Ristuccia - KB1IRS
0 Sharon St.
Tewksbury, MA 01876-3233

02-230

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

RECEIVED

NOV - 5 2003

Federal Communications Commission
Office of the Secretary

Dear Commissioner Kevin J. Martin.

Thousands of American consumers have already expressed their opposition to the FCC's adoption of a "broadcast flag". I am writing to join them

As a developer of open-source software, and an amateur radio operator, the broadcast flag will make it impossible for me to collaborate with my peers while also comply with open-source software license requirements and the FCC rules.

Since I would not be able to freely share the source code and designs behind my work while also complying with the broadcast flag requirements, it would be difficult for me to collaborate with other hobbyists. I would also have to start from scratch to avoid licensing problems with existing Free code for video processing, display, and tuner control. All of these existing programs require that derivative works be released under an open-source license, something that the broadcast flag rules propose I not be allowed to do. With the broadcast flag,

the effort required to produce my own software for digital television would be enormous. The broadcast flag requirement will effectively preclude me from working on my own digital television software or hardware.

Currently I enjoy the ability to work on software which receives, records, and replays television signals, using off the shelf add-in TV receiver cards and freely available software.

With the special permissions granted by my amateur radio license, I can even transmit my own analog television signals for experimental and communication purposes. With the change to digital television and the broadcast flag, these abilities will go away. I'll be forced to use expensive dedicated hardware or complicated and expensive proprietary software which I am unable to customize to suit my personal preferences or for use on the amateur radio bands. The costs may be significant enough to cause me to forgo digital television altogether.

Making it difficult or impossible for users of open-source computer systems to use digital television will not spread the adoption of digital television. In fact, it will do the

opposite by increasing costs, complexity, and forcing developers to reimplement rather than reuse existing open-source technology. We can – and should – do without the broadcast flag.

Please oppose the broadcast flag.

Sincerely,

Brian Ristuccia – KBIIRS

EX PARTE OR LATE FILED

Joseph Corneli
3007 C Fruth St
Austin, TX 78705

02-230

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NOV - 5 /003

Federal Communications Commission
Office of the Secretary

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

Dear Commissioner Kevin J. Martin:

This is the most important thing, and you've seen it before

As a user of Free software, adoption of the broadcast flag will mean I am unable to receive digital television broadcasts on my computer.

That wouldn't be nice!!

Sincerely,

Joseph Corneli

EX PARTE OR LATE FILED

Friday, October 24 2003

Commissioner Kevin J. Martin
445 12th Street, NW
Washington, DC 20554

VIA FACSIMILE

Dear Commissioner Martin,

As a consumer of broadcast television, electronics, and computer products, I urge the Federal Communications Commission to vote against the adoption of a "broadcast flag." I am *gravely* concerned that a broadcast flag regulation would restrict the way I enjoy television

In addition, I am very concerned about the fair-use implications of the broadcast flag. With today's technology, I can be more than a passive recipient of content -- I can modify, create, and participate. I can record TV to watch later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant relative, or record a TV program onto a DVD and play it at my friend's apartment. The broadcast flag seems designed to remove *this control and flexibility* that I enjoy.

The MPAA has repeatedly shown a malevolent disregard for the consumer *in their pursuit* of technology measures that restrict legitimate paying customers at least as much as the pirates they claim to be targeting. This approach is counter to the spirit of a free market, and should absolutely not be supported by law. The MPAA and the RIAA both need to realise that the way to survive in a competitive marketplace is to provide the product the consumer wishes to have, not to pursue legal restriction of all alternatives.

Sincerely,

Simon Booth
2648 S. Norfolk St, San Mateo
San Mateo, CA 94403

RECEIVED

NOV - 5 2003

Federal Communications Commission
Office of the Secretary

EX PARTE OR LATE FILED

Friday, October 24 2003

RECEIVED

NOV - 5 2003

Commissioner Kevin J. Martin
445 12th Street, NW
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

VIA FACSIMILE

Dear Commissioner Martin,

As a consumer of broadcast television and related electronics, I urge the Federal Communications Commission to vote against the adoption of a "broadcast flag."

I am **very** concerned about the fair-use implications of the broadcast flag. It is absolutely vital for my television enjoyment that I be able to time-shift broadcast shows via either DVR or VCR/DVD. The broadcast flag, even if not used unfairly, will severely hamper that ability by requiring special-purpose DTV devices. But I am even more concerned that it will NOT be used fairly--that more and more shows will be blocked from any recording AT ALL. The MPAA clearly doesn't want the old fair-use rules applied to digital TV--if they are allowed to control what can or cannot be recorded, even once, they WILL stop the consumer from recording--period. It is NOT the professional pirate the MPAA means to stop--THEY won't be stopped by such means--it is the end consumer.

The move to digital television is already dragging. The general public isn't convinced yet of the benefits of switching at all. Complicating the choice still further by forcing the use of broadcast flags and other means to hamper or prevent the simple ability to record shows for private use could have major impact on the transition. I urge you to promote our digital future by opposing the broadcast flag.

Sincerely,

Jud Hardcastle
3104 Longbow Ct.
Dallas, TX 75229

Doug Addison
1308 Sloane Boulevard
Plainfield NJ07060

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

Dear Commissioner Kevin J. Martin.

The tenets of free enterprise must never encroach upon our rights as Americans as guaranteed by the constitution.

When the founding fathers declared us as a nation based on the blessings of liberty, they declared us free of all such oppression, doubtlessly they would view such actions contemplated on behalf of commercial interests as overreaching the public good. Moreover, these times of economic scarcity require a new liberty in creating and pursuing wealth, not oppressionist restrictions on behalf of those unable to address the change otherwise and more effectively.

Remember your mandate to serve and who pays for your service: we the people.

Sincerely,

Doug Addison

Monday, October 27 2003

Commissioner Kevin J. Martin
445 12th Street, NW
Washington, DC 20554

VIA FACSIMILE

Dear Commissioner Martin,

I am deeply troubled by the broadcast flags being considered. I urge the FCC to vote against the adoption of a broadcast flag. Please don't help the special interests kill fair-use.

As a professional in the high-tech industry, I am concerned that mandated regulations such as this will stifle innovation. Limitations like the broadcast flag will mean that many of the next 'big things' will not be developed in the US. Convergence is the greatest single opportunity for the computer industry -- let's not mandate away the economic and technological benefits that it promises.

I can think of many activities which I have personally done, that copy restrictions would have prevented. I have taped my son's favorite TV show to let him watch it at Grandma's house. I have videotaped a News program in which my father was interviewed and gave him a copy. I have extracted segments of toddler shows and put them on CD to make a roadtrip more tolerable. I have taken a videocassette with me on a trip, to take advantage of free time during vacation. I strongly believe that these activities should be protected.

Copyright should be respected, and content creators rewarded. The success of ventures such as Apple's iTunes demonstrates that this will happen, even if copy protections are not mandated. Technological improvements will offer financial returns to copyright holders as they have in the past. At the introduction of the VCR many feared that it would destroy the production of content -- the opposite turned out to be true.

The MPAA and others have argued that this measure will stop piracy. It won't. The chance of maintaining perfect security in an open system are zero. Those who want the illegal content will still get it. The only real outcome is that it will shift us law-abiding consumer into a pay-per-use world. That would be a very unfortunate unintended consequence.

Please keep the future open, and mandate an unrestricted standard.

Thank you

Sincerely,

Andrew Anderson
677 SE 68th AVE; Hillsboro Oregon
Hillsboro, OR 97123

Tuesday, October 28 2003

Commissioner Kevin J. Martin
445 12th Street, NW
Washington, DC 20554

VIA FACSIMILE

Dear Commissioner Martin,

As a consumer of broadcast television, electronics, and computer products, I urge the Federal Communications Commission to vote against the adoption of a "broadcast flag." I am gravely concerned that a broadcast flag regulation would restrict the way I enjoy television.

The digital television transition relies on convincing consumers of the benefits of switching to and buying digital television equipment. That transition will be far more palatable to me as a consumer if switching doesn't mean discarding my existing home network, buying new high-resolution displays, and finding room for yet another device in my living room. Please do not allow the MPAA and its allies to hinder the transition by making us buy special-purpose DTV devices that are more expensive and less valuable. I don't have the finances to keep replacing all of my equipment. You would basically start losing people who can't afford to buy new stuff.

In addition, I am very concerned about the fair-use implications of the broadcast flag. With today's technology, I can be more than a passive recipient of content -- I can modify, create, and participate. I can record TV to watch later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant relative; or record a TV program onto a DVD and play it at my friend's apartment. The broadcast flag seems designed to remove this control and flexibility that I enjoy.

If the move to digital television does not make the public's viewing experience more enjoyable, flexible, and exciting, what compelling reason do I have as a consumer to buy new digital equipment? A prettier TV picture is hardly enough reason for me to dispense with all my current consumer electronics and computer equipment. As a citizen and consumer of broadcast television, I urge you to promote the digital transition by opposing the broadcast flag. I don't use cable, I can't afford cable! I just want to be able to watch TV without someone telling me what I can watch, when I watch it, or if I want to tape it and watch it later.

Sincerely,

C. Allen
PO Box 3894
Humble, TX 77347

John J. Anastasio
420 Ardmore Avenue
Trenton, NJ 08629

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

Dear Commissioner Kevin J. Martin:

As a broadcast television viewer, educator and consumer of electronics and computer products, I urge the Federal Communications Commission to vote against the adoption of a "broadcast flag." I am outraged that the FCC would consider a regulation would restrict the way I enjoy television. I see this proposal as just another attempt of the powerful motion picture and broadcast industries to bulldoze legislation through the federal system in an attempt to limit my rights while producing more profit.

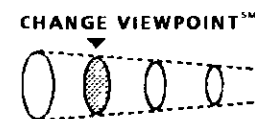
Over the past quarter of a century the viewing public has been able to record, transport and play back television signals through the use of analog tape, with no detriment to the entertainment industry. If anything, the use of personal videotape recorders has done much to enhance the income of many of the studios and networks who now choose to promulgate the outrageous idea that we will suddenly become "digital thieves" by choosing how and when we view their programs and films. This is nothing more than a revisiting of the arguments put forth in the Sony Betamax case of the mid 1970's, and today's pleas hold no more water now than they did then.

What has happened to the grand old republican idea of a free market? This administration has proved over and over again that it is more in favor of federal regulation and intrusion into private affairs in the so-called national interest than any administration in the history of this country. This smacks to me of yet another example of government by the rich and powerful, by the special interests who fund politics, and not by a government of and for the majority of the people in this country.

I strongly oppose this course of action. As a citizen and viewer of broadcast television, I urge you to promote the digital television transition by opposing adoption of the broadcast flag.

Sincerely,

John J. Anastasio



"Broadcast Flag" Unlikely to Solve Digital Content Piracy

Summary: Precursor believes investors should view the FCC's pending adoption of a "Broadcast Flag" *not as the solution to digital piracy*, but, rather, as further evidence of the significance of the digitization threat to content owners and providers. Precursor suggests that flag proponents, largely Hollywood and the broadcast networks, will likely succeed in establishing a precarious technology beachhead, whereby content would be *incrementally more protected*; but this is by no means a definitive solution. The hype surrounding the upcoming ruling is overshadowing its marginal benefits. Precursor cautions that the flag, which prohibits unauthorized Internet redistribution of over-the-air (o-t-a) content, is just the initial attack of a technology battle in a larger war on digital piracy. Whether content providers will ultimately succeed is still very much in doubt because victory over digital piracy is dependent on the cumulative success of heroic efforts on multiple fronts of law, litigation, technology, international, and business model development (see Precursor 3/3/03). Accordingly, Precursor still believes the premiums afforded DIS, VIA, and FOX do not yet reflect the significant oncoming digitization threat that is likely only temporarily ameliorated by the flag.

Investment Significance of Flag. Precursor believes the FCC will soon adopt a watered-down version of the broadcast flag in an attempt to help broadcasters combat piracy. Broadcasters are particularly vulnerable

to digitization because, unlike cable and satellite transmissions that are encrypted at the head-end, o-t-a digital broadcasting remains unprotected. Regulations require broadcasters to transmit free, "in-the-clear" signals void of any encryption. Therefore, premium content is highly likely to be directed increasingly away from o-t-a broadcasters to more secure transmission platforms. Policymakers, who have a strong interest in the expedited rollout of digital broadcast signals so they can reclaim analog spectrum, and broadcasters, who are looking for a victory in the digital piracy battle, are likely to trumpet the adoption of the flag as solving the long-term digitization threat. Precursor cautions investors that clear-cut winners are unlikely because adoption of the flag is not by itself, and especially in the watered-down form, a viable solution to digital piracy.

Flag's Serious Limitations. The minimal effectiveness, relative costs/benefits of the flag, and the needed advance time, lead Precursor to doubt flag's "success". (1) Flag won't stop piracy. It only takes one leak in a "secure" digital system to expose content to wide Internet redistribution. The flag has many weak points. (A) Flag is hackable. All parties concede that the proposed flag can be technically thwarted, but hope for damage containment by dissuading the average consumer. (B) Flag does not protect against "analog hole." Digitization of analog content is relatively straight-forward and easy. Discussions are underway on solutions,

including watermarking, but are not part of the FCC's flag decision. (C) Unprotected legacy devices loom large. Millions of DTV devices already in the market lack restrictions on analog outputs, exacerbating the "analog hole" problem. (D) Broadcasters are already transmitting unprotected, high-value, prime-time standard definition DTV content to over eight million DTV sets nationwide, which will be largely unaffected by a flag for high resolution DTV. (E) Non-compliant receivers buildable. Although beyond the capability of most consumers, information on demodulating digital signals and bypassing the flag is readily available. (2) "Costs" v. potential benefits cleaves. (A) Cost burden higher for CE manufacturers. Under proposed rules, content distributors would not be required to flag content; it would be voluntary. However, CE manufacturers would be required to build receivers capable of "reading" marked content. (B) Costs hinge on "robustness." The FCC is likely to decide the degree to which the adopted flag standard is made tamper-resistant. The more robust, the higher the cost. Precursor believes the FCC is reluctant to increase CE costs, which would likely be passed onto consumers, resulting in a less robust flag. (C) Innovation likely enhanced. Conversely, a weaker flag would likely enhance use of open source functionality in future flag compliant products, thereby accelerating innovation, lowering costs, and increasing incentives for CE manufacturers to develop new products. (3) Long-term need for

digital fix while analog piracy continues. (A) Most video content currently distributed online (P2P) is in lower-quality analog format. Standard digital content ripped from DVDs or captured by computer television tuner cards is usually "down-resolutioned" for easier distribution. The transfer of high definition digital content online will likely be impeded for the time-being by last-mile bandwidth constraints not by encryption substitutes such as the flag. Precursor cautions investors not to underestimate the accelerating timing and increasing likelihood of cable MSOs continued upgrades of download speeds relaxing that constraint.

FCC Likely Enforcement Authority. In a defeat for content owners, the FCC is highly *unlikely* to adopt the original proposal to make the content owners the flag gatekeepers. Precursor believes the FCC will likely retain its enforcement role, making a further NPRM likely.

Equipment Winners? Despite flag compliance related cost increases, many are looking for the CE industry to benefit from consumer upgrades. However, Precursor is not convinced that consumers will embrace next generation flag compliant devices without other more consumer-friendly features which have yet to be developed or approved. Indeed, consumer utility is threatened by the flag (e.g., sending DTV video clip via email could be precluded), raising consumer reluctance to "upgrade" to a less functional device. **





Sam Brownback

UNITED STATES SENATOR ■ KANSAS

FAX

TO:

Commissioner Martinurgent

OFFICE:

FCC

FAX NO:

() 418- 0982

FROM:

Senator Brownback

PHONE:

(2 0 2) 224- 8959

DATE:

10-27-03

PAGES (including this cover sheet):

3

NOTE:

Re: Broadcast Flag

SAM BROWNBACK
KANSAS

(202) 224-5521 PHONE
(202) 228-1265 FAX

COMMITTEES,
APPROPRIATIONS
COMMERCE, SCIENCE,
AND TRANSPORTATION
FOREIGN RELATIONS
JOINT ECONOMIC

United States Senate

WASHINGTON, DC 20510-1604

October 27, 2003

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Powell:

It is my understanding that the Federal Communications Commission is poised to vote as early as Tuesday, October 28, 2003 on a proposal by the Motion Picture Association of America (MPAA) to require the inclusion of the "broadcast flag" content protection scheme in all new digital television appliances – television sets, recording devices, personal computers, and any other device that can demodulate a digital television signal. I am writing today out of concern that the Commission's consideration of this matter "on circulation," as opposed to holding an open Commission meeting, would be a disservice to the public and call into question the transparency in government in such a critical consumer issue.

The Commission has received voluminous comments in regards to the MPAA broadcast flag proposal from industry stakeholders, as well as over 6000 members of the public opposed to such a regulation. As a result, I would like to associate myself with the concerns stated by Senate Commerce Committee Chairman McCain in his recent letter to you.

According to the content industry the broadcast flag will merely serve as a speed bump, establishing a content protection scheme that will create disincentives for consumers to pirate digital television content, *i.e.* keeping "honest people honest." Filings by the consumer electronics and information technology sectors indicate that the broadcast flag as proposed by the MPAA is a far more intrusive technology that, if implemented in accordance with the MPAA proposal, would amount to *invasive* regulation of home electronics and computing appliances. Adoption of the MPAA proposal could seriously limit the functionality of countless current and future hardware products that may legally view, manipulate, and distribute digital television signals.

As a result of the incredible contrast between the stakeholders for and against the MPAA broadcast flag proposal, and given that a Commission regulation in this matter will ultimately affect every single U.S. television household – including every room in those homes in which a television is located – I urge you to delay a Commission vote at this time. Instead, I urge the Commission to schedule an En Banc hearing on this issue,

612 SOUTH KANSAS AVENUE
TOPEKA, KS 66603
(785) 233-2503 PHONE
(785) 233-2616 FAX

1001-C NORTH BROADWAY
PITTSBURG, KS 66762
(620) 231-9040 PHONE
(620) 231-6347 FAX

811 NORTH MAIN STREET, SUITE A
GARDEN CITY, KS 67846
(620) 275-1124 PHONE
(620) 275-1837 FAX

248 NORTH WACO, SUITE 240
WICHITA, KS 67202
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(316) 264-8076 FAX

11111 West 95th, SUITE 245
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(913) 492-6376 PHONE
(913) 492-7253 FAX

www.senate.gov/~brownback

giving the opposing sides an opportunity for public debate on the merits of the MPAA broadcast flag proposal, and the consequences of FCC action for American consumers.

An En Banc hearing at this time would be invaluable for enabling the Commission to serve the public interest in this matter, as well as the Commission's understanding of how a broadcast flag regulation may affect consumers. Recently the Commission has come under fire for not permitting maximum public involvement in its regulatory processes in the context of its media ownership proceeding. While I disagree with such an assessment in that context, I fear that suggestions of this nature in regards to the broadcast flag proceeding may be more appropriate absent an En Banc hearing. At the very least the Commission should go to great lengths to explain why it is necessary to implement the broadcast flag at this time, and in a non-public manner.

Additionally, and important for judicial proceedings that would almost certainly follow Commission adoption of a broadcast flag regulation, an En Banc hearing would be invaluable for the Commission to gain a greater understanding of how *any* action it takes to adopt a uniform content protection scheme such as the MPAA's broadcast flag proposal necessarily involves the Copyright Act, a statute under which the Commission has no authority.

Sincerely,



SAM BROWNBACK
United States Senator

cc:

Commissioner Abernathy
Commissioner Adelstein
Commissioner Copps
Commissioner Martin

Karen Carter
202 Rolling Ridget Ct
Warner Robins, Ga. 31088

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

Dear Commissioner Kevin J. Martin:

Again I am appalled at the government's quest to control and regulate the privacy in our homes. Again and as usual this is all money based. This issue is not about what is fair. Isn't it strange Hollywood is not interested in controlling when it comes to pornography issues. Hollywood and the media services (TV, newspapers, etc) want "freedom of speech" when it is to their benefit. Everyone shouts about "their rights" being violated, well I will jump on this issue. The rights in my home will be violated.

I would hope Hollywood and the TV industry would jump on the band wagon for education. Don't they understand it would be to their benefit to allow schools to use their products for education? For once I hope you will listen to the "little people of the United States."

Sincerely,

Karen Carter



FAX COVER SHEET

To: Ginger Clark
Fax: 1-202-418-0982
Date: October 29, 2003
Subject: Meeting w/ ALTS and Member Company CEOs re:
Fiber-Fed Loops

of pages (including cover sheet) 1

Message:

The Association for Local Telecommunications Services requests a meeting with the Commissioner and the Commissioner's Wireline Competition Advisor to discuss our grave concerns over Bell Company attempts, through *Triennial Review Recon* and *Forbearance Petitions*, to obtain monopoly control over fiber-fed loops. If possible, we would like to meet with the Commissioner within the next few weeks while the issues are under Commission review. Please let me know if and when we may meet with the Commissioner and Advisor.

I can be reached at 202-969-2587 or by email at jaskin@alts.org.

FROM THE DESK OF:

Jonathan Askin
General Counsel
Association for Local Telecommunications Services
888 17th Street, NW, Suite 900
Washington, DC 20006
Office: 202-969-2587 / Fax: 202-969-2581
E-mail: jaskin@alts.org

Buz Cory
PO Box 1153, Cooper Sta.
New York, NY 10276

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

Dear Commissioner Kevin J. Martin:

[This is partly boilerplate (used because I could not word it better)
and partly my own opinions].

Thousands of American consumers have already expressed their opposition
to the FCC's adoption of a "broadcast flag". I am writing to join them.

As a user of open-source software, adoption of the broadcast flag will
mean I am unable to receive digital television broadcasts on my
computer.

This seems to be a repeat of the MPAA and affiliates ongoing war to
control when and how US citizens view +all+ cinema and broadcast media
In particular, it seems to be a repeat of the attempt to stop consumers
from recording broadcast TV on tape of years ago. Only this rule will
have even greater impact than that as it will even prevent +any+
reception of TV for many people.

In my own case, the +only+ way I can receive TV is by using open-code
software. I have no hardware TV set and my computer runs only open-code
software.

Additionally, adoption of the broadcast flag will harm innovation. Many
users of open-source software are computer programmers and "tinkerers"
who work to improve the software. Their contributions and constant
innovation is what makes open-source software able to compete in the

marketplace.

The broadcast flag rule advocated by the MPAA will ban open-source implementations of VSB and QAM modulators and demodulators, preventing open-source programmers from innovating in field of digital communications techniques used by television.

Most Americans assumed that when television became digital, viewers would be able to do more with television programming, not less. Without innovative new products and flexibility in the ways consumers are able to watch TV, consumers will be less inclined to invest in the equipment to view digital television. Therefore, the broadcast flag is likely to slow adoption of digital television in addition to making it illegal to watch digital television on a computer using open-source software.

It is my opinion that the only people that will benefit from this rule in the long run are the lawyers on both sides of the long and costly court battle that is sure to ensue if this rule is put into effect.

It is for these reasons I urge you to promote the digital television transition by opposing adoption of the broadcast flag.

~

Sincerely,

Buz Cory

Bryan Cheung
325 16th St
Huntington Beach, CA 92648

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

Dear Commissioner Kevin J. Martin.

Dear FCC,

I wish to add my voice to the voices of thousands of American software developers and consumers who have already expressed their objections to the adoption of a "broadcast flag" by the FCC. The broadcast flag rule advocated by the MPAA will cripple my ability as an independent software developer to develop competitive software solutions that interact with, receive, or manage digitally broadcast media in conjunction with commonly available computer equipment. Such a rule is harmful to all software developers in the digital broadcast market, the consumers of the American public, and will create an atmosphere of stagnation in the broadcast media software market.

In imposing the broadcast flag rule, the FCC will in essence dictate to the software industry how their products are to be developed and licensed, and which technologies they must use. This is an area which is not the purview of the FCC – in a free market society, market forces should determine which technologies succeed or fail, not unmandated and unnecessary restrictions created by the FCC. Consumers must be free to choose which solutions and technologies they will use to interact with digital broadcasts. The special interests and greed of large corporations such as the MPAA have no place in discussions about consumers' choice of their digital broadcast products.

Additionally, adoption of the broadcast flag will harm innovation.

Many users of open-source software are computer programmers and "tinkerers" who work to improve the software. Their contributions and constant innovation is what makes open-source software able to compete in the marketplace.

The broadcast flag rule advocated by the MPAA will ban open-source implementations of VSB and QAM modulators and demodulators, preventing open-source programmers from innovating in field of digital communications techniques used by television.

Most Americans assumed that when television became digital, viewers would be able to do more with television programming, not less. Without innovative new products and flexibility in the ways consumers are able to watch TV, consumers will be less inclined to invest in the equipment to view digital television. Therefore, the broadcast flag is likely to slow adoption of digital television in addition to making it illegal to watch digital television on a computer using open-source software. It is for these reasons I urge you to promote the digital television transition by opposing adoption of the broadcast flag.

Sincerely,

Bryan Cheung

Sincerely,

Bryan Cheung

Michael Cox
1803 Ann Ave
Harrisonville, MO 64701

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

Dear Commissioner Kevin J. Martin.

It seems to me that the end effect of this technology will be to shut out open-source programmers from the market, and also effectively stifle "fair use" by consumers. I for one, see no compelling reason to buy new television equipment (my wife would be shocked to hear that!) if it means having less flexibility than I now have, not more.

Essentially, by implementing this "Broadcast Flag," the FCC is telling me what operating system to use (it appears that only Windows and Macintosh can afford the patent fees), what equipment I have to throw away (my TiVO, being Linux-based, will probably be rendered worthless), and basically, how to view television.

I thought the FCC was in place to regulate for the good of the citizens, not the good of corporations.

Michael Cox

Sincerely,

Michael Cox

Chuck Coxhead
109 Krista Court
Chalfont, PA 18914

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

Dear Commissioner Kevin J. Martin,

Thousands of American consumers have already expressed their opposition to the FCC's adoption of a "broadcast flag". I am writing to join them.

Imposing bans on the development of open source software for a given purpose only serves to restrict the marketplace. As the current marketplace is dominated by 1 company, these actions by the FCC would, in my opinion, support monopolistic practices.

We are a country built on freedom and capitalism. Your efforts to protect the broadcasting companies may offer a brief stumbling block, but history has proven the power of freedom and capitalism.

The FCC and those who would lobby for this decision are incredibly naive to believe that us of these evolving technologies will not require an evolution of their business model, as well.

There are more ways to innovate than just using microchips.

Sincerely,

Chuck Coxhead

Monday, October 27 2003

Commissioner Kevin J. Martin
445 12th Street, NW
Washington, DC 20554

VIA FACSIMILE

Dear Commissioner Martin,

I dearly wish that the government would learn from its prior mistakes. When people in Russia have more rights to their own purchased media than we do here in the United States, we should all be ashamed. Now these same ridiculous restrictions will be applied to broadcast content as well? Despite what some at the FCC may believe, money is not freedom. Who makes the largest campaign contributions is not the issue here - basic protection of our God given right of free speech and fair use is. Freedom includes the knowledge that I won't be forced to buy substandard technology because media company money says I must. Freedom is knowing that I won't be jailed for viewing purchased or broadcast content in any way I see fit. Freedom is my first amendment right to innovate without fearing media company dictated jail time.

As a consumer of broadcast television, electronics, and computer products, I urge the Federal Communications Commission to vote against the adoption of a "broadcast flag." I am gravely concerned that a broadcast flag regulation would restrict the way I enjoy television.

If the move to digital television does not make the public's viewing experience more enjoyable, flexible, and exciting, what compelling reason do I have as a consumer to buy new digital equipment? A prettier TV picture is hardly enough reason for me to dispense with all my current consumer electronics and computer equipment. As a citizen and consumer of broadcast television, I urge you to promote the digital transition by opposing the broadcast flag.

Sincerely,

William DeLeeuw
11030 NW Reeves St.
Portland, OR 97229

James Gregory Davidson
6231 Branting Street
San Diego, CA 92122

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

Dear Commissioner Kevin J. Martin:

My father-in-law was bed-ridden for the last year of his life. We got him a TIVO, which allowed him to personalize and time-shift the television he spent so much of his time watching. The TIVO uses Linux, an Open Source software system.

This is only one excellent application of Open Source and innovation which would be destroyed by the adoption of a "broadcast flag". Please oppose this erosion of fair use and consumer control of their television viewing. This ill-considered device will not stop piracy, it will simply subject American citizens to the control of media corporations who would like them to become passive consumers glued to the tube.

Sincerely,

James Gregory Davidson

Gregory Dearborn
24 Ponce St
Portland, ME 04101

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D C 20554

Dear Commissioner Kevin J. Martin.

As a consumer, I am deeply concerned that the Federal Communications Commission is considering the adoption of a "broadcast flag," as requested by the MPAA. This is an idea that serves the Motion Picture industry, but is not in the public's interest nor the computer industry's interest. The best thing the FCC could do for the public is to stand up to the MPAA and tell them unequivocally, "No broadcast flag, now or ever, end of discussion!"

I have been waiting a long time to upgrade my home entertainment system to digital. Part of the ideal of digital television is that it can be stored on devices built from off the shelf home computer technology. For example, as you know a TiVo video recorder is essentially a home computer running the Linux operating system that has been dedicated to function as a video recorder. Next generation devices will integrate the functions of a digital video recorder with desktop or laptop computers, video game consoles, and PDAs. It is good for the computer industry and good for consumers if these devices can work using any computer operating system, including Free Software operating systems such as Linux. By allowing a broadcast flag and mandating that software systems use it as intended, the FCC would be sounding the death knell to Free Software. No computer, PDA, console, or other digital system running a Free OS would be possible. This will limit consumer choice and innovation in the computer software developer community. Just few years ago TiVo, ReplayTV, and the Windows Media Center PC didn't exist, but now they are changing the way consumers can enjoy broadcast television. Who knows what further innovations could come out of the Free Software Community and the Computer industry in the next few years? No one will, because the broadcast flag will hamstring innovative development in the home video arena.

The vision of computer/home video convergence is that in the very near future, consumers will be able to store high quality digital video to watch at a time and place convenient for them. Who wouldn't like to keep a video clip of their child hitting a home run grabbed from the local evening news on their PDA? Or be able to download their favorite broadcast sitcom, drama, or news show to their laptop to watch on their morning commute? Who wouldn't like to be able to grab digital video shows from their cable and send it by their home computer network to combination television/computers in whatever room they wanted to watch it on, whenever they wanted to watch it? The MPAA would like to kill all of these possibilities by their selfish demand for a broadcast flag. They are anxious that people will grab entire television programs and share them with friends and strangers. This is an unrealistic fear because the internet bandwidth available to consumers is not large enough to make this enticing to most people. But even if a small percentage of HDTV video pirates traded shows, would this really harm the Motion Picture industry? As you remember, the MPAA also lobbied against VCRs when they were just becoming popular with consumers. As it turned out, the VCR was the best thing to happen to the Motion Picture industry.

If the move to digital television does not make the public's viewing experience more enjoyable, flexible, and exciting, what compelling reason do I have as a consumer to buy new digital television equipment? A prettier picture is hardly enough reason for me to dispense with all my current consumer electronics and computer equipment. As a citizen and viewer of broadcast television, I urge you to promote the digital television

transition by opposing adoption of the broadcast flag

Sincerely,

Gregory Dearborn

Steven Doan
618 S. Choccolay Ave
Clawson, MI 48017

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

Dear Commissioner Kevin J. Martin.

How did this error in judgement come to be? Why must we ban everything that fosters innovation? Must we remember that we would not have things like HDTV or TiVo, or DVD without research and innovation.

Without giving people the ability to learn, understand and build a better product for the world and not just for their pocketbook we can grow into a more efficient society where our creations can impact and make it a better world for everyone and not just for those who have the patent and wish to control the rest of us. The United States is a place of freedom. Banning peoples ability to think freely violates our very foundations.

I agree with certain things like you can not reproduce a CD for resale, but you can reproduce it for a backup copy for your own uses. The same goes for copying a television broadcast for your own viewing.

As long as the individuals who develop new innovations do not sell their improvements that should be allowed. It does not harm the original creators product or idea, it just makes it better.

Thousands of American consumers have already expressed their opposition to the FCC's adoption of a "broadcast flag". I am writing to join them. As a user of open-source software, adoption of the broadcast flag will mean I am unable to receive digital television broadcasts on my computer.

Adopting the broadcast flag will make the FCC stand for "Federal Computer Control" which is outside its proper role. It is not the FCC's place to effectively choose the software licenses or computer operating systems that consumers must use in order to watch digital television broadcast on their computers.

Additionally, adoption of the broadcast flag will harm innovation. Many users of open-source software are computer programmers and "tinkerers" who work to improve the software. Their contributions and constant innovation is what makes open-source software able to compete in the marketplace.

The broadcast flag rule advocated by the MPAA will ban open-source implementations of VSB and QAM modulators and demodulators, preventing open-source programmers from innovating in field of digital communications techniques used by television.

Most Americans assumed that when television became digital, viewers would be able to do more with television programming, not less. Without innovative new products and flexibility in the ways consumers are able to watch TV, consumers will be less inclined to invest in the equipment to view digital television. Therefore, the broadcast flag is likely to slow adoption of digital television in addition to making it illegal to watch digital television on a computer using open-source software. It is for these reasons I urge you to promote the digital television transition by opposing adoption of the broadcast flag.

Sincerely,

Steven Doan

Friday, October 24 2003

Commissioner Kevin J. Martin
445 12th Street, NW
Washington, DC 20554

VIA FACSIMILE

Dear Commissioner Martin,

Dear FCC, I watch television on a daily basis, including broadcast television, and I am disconcerted to hear about the "broadcast flag" your agency is considering approving for digital television.

By approving the measure as it currently stands, Digital television may look better than the existing, analog NTSC stuff, but it will be significantly less convenient if Hollywood, and not myself the TV viewer, gets to decide when and where I can watch my own recordings of TV programming. *Such recordings are an established fair use of copyrighted material under Supreme Court rulings going back to the early 1980s.*

Approving the broadcast flag will seriously discourage even a technology enthusiast such as myself from adopting digital TV technology. So consider this before approving this detrimental "innovation." If people who like to be on the leading edge of technology are turned off by this "innovation", then please do think of what someone who's much more difficult to convince of "what can it do for me" is going to say when he or she hears of it

The broadcast flag is a bad idea, and there is ample legal precedence against such a regulation, so I urge you to make the right decision on this matter.

Sincerely, Paul Dougherty

Sincerely,

Paul Dougherty IV
306 S High Street Apt. 4
West Chester, PA 19382

Jason Faulkner
110 E Franklin Street
Po Box 421
Spring Hope, NC 27882

Commissioner Kevin J. Martin
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

Dear Commissioner Kevin J. Martin.

Your upcoming choices regarding Broadcast Flags allow you the unique viewpoint of defining digital media from now on — you can either lock it up — by approving a "broadcast flag" measure, or free it, by choosing not to pass that new regulation.

Broadcast flags would prevent Open Source Software from accessing digital television, which I feel would violate both freedom of speech and press.

As a journalist, I feel that this degree of Federal Control over television is dangerously close to censorship — it would be incredibly easy, given this technology, to take a channel or program off the air if it says or does something against the government.

Please DO NOT allow broadcast flags to be implemented.

Jason Faulkner

former Sports Editor

Spring Hope Enterprise

Sincerely,

Jason Faulkner

Thursday, October 30 2003

Commissioner Kevin J. Martin
445 12th Street, NW
Washington, DC 20554

VIA FACSIMILE

Dear Commissioner Martin,

As a consumer of broadcast television, electronics, and computer products, I urge the Federal Communications Commission to vote against the adoption of a "broadcast flag." I am gravely concerned that a broadcast flag regulation would restrict the way I enjoy television.

The digital television transition relies on convincing consumers of the benefits of switching to and buying digital television equipment. That transition will be far more palatable to me as a consumer if switching doesn't mean discarding my existing home network, buying new high-resolution displays, and finding room for yet another device in my living room. Please do not allow the MPAA and its allies to hinder the transition by making us buy special-purpose DTV devices that are more expensive and less valuable.

In addition, I am very concerned about the fair-use implications of the broadcast flag. With today's technology, I can be more than a passive recipient of content -- I can modify, create, and participate. I can record TV to watch later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant relative; or record a TV program onto a DVD and play it at my friend's apartment. The broadcast flag seems designed to remove this control and flexibility that I enjoy.

If the move to digital television does not make the public's viewing experience more enjoyable, flexible, and exciting, what compelling reason do I have as a consumer to buy new digital equipment? A prettier TV picture is hardly enough reason for me to dispense with all my current consumer electronics and computer equipment.

As an IT manager, I am also very concerned that the use of a broadcast flag may cause the cost of supporting computer systems to skyrocket for American businesses. This may be an unintended consequence that the attempt to lock up all content may have.

As a citizen and consumer of broadcast television, I urge you to promote the digital transition by opposing the broadcast flag.

Sincerely,

Paul Fellows
4220 Dayton Avenue No
Seattle, WA 98103

Tuesday, October 28 2003

Commissioner Kevin J. Martin
445 12th Street, NW
Washington, DC 20554

VIA FACSIMILE

Dear Commissioner Martin,

I am writing regarding the "broadcast flag" for digital television broadcasts. As a consumer and user of a wide range of electronic products, I am opposed to any measure that would stifle innovation or limit the choices available in this fast moving field.

The broadcast flag regulation is premature. Technology does not permit Internet transmission of HDTV broadcasts because the bandwidth is not available. Even a fast cable modem or DSL connection would take literally days to download a couple of hours of HDTV video.

In practice, video today is compressed and downgraded before being shared on the pirate networks. The broadcast flag will do nothing to stop this practice. And until we have bandwidth that is two orders of magnitude greater than today, it will continue to be technologically impossible to have wide scale sharing of high resolution video. The broadcast flag does not solve any problems that we face today or in the next several years.

At the same time, the broadcast flag will stifle innovation and limit new technologies like software decoders for HDTV video. That's a fast moving area which could revolutionize how people enjoy TV. I've had TiVo since it first came out, and I hope to see continual innovations in the video arena. By imposing strict limitations on how video signals can be processed and exchanged, the broadcast flag could hurt the technological progress that I as a consumer enjoy.

I understand that broadcasters are scared of the Internet after the experience of the music companies, but the technologies are utterly different in terms of bandwidth and costs. The great features of HDTV are the high resolution and improved video quality, and it will be many years before video can be exchanged across the net and preserve that quality. Songs can be compressed and still sound good, but video doesn't work that way. Our sense of vision is far more acute than our sense of hearing. These are genuine differences and because of them, the nightmare of the broadcasters cannot come true for probably another decade. There will be plenty of time then to explore a broadcast flag requirement based on our experiences to that point.

I hope you will carefully consider the wishes of consumers like myself and not just rubber stamp the broadcaster's proposal. Thanks very much for your attention.

Hal Finney

Sincerely,

Hal Finney
374 Arroyo Road
Santa Barbara, CA 93110